

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY**

GRAND JURY PRESENTMENT

TO THE HONORABLE ANTHONY RONDOLINO JUDGE OF SAID COURT:

We, the Grand Jury, impaneled and sworn to inquire and true presentment make in and for the body of the County of Pinellas, Florida, having been convened on Wednesday, September 20, 2017 beg to report as follows on this, the 20th day of September, 2017.

We have considered all criminal matters brought to our attention and known to the members of our body.

During the course of these investigations, we have caused to come before us today a total of 3 witnesses. We have returned 4 True Bill(s) and 0 No True Bill(s).

In addition, the State Attorney requested and we agreed to pursue an investigation into the operation of the Pinellas County Construction Licensing Board. We received testimony from 9 witnesses and conducted our investigation on July 28th, August 30th, August 31st and September 20th, 2017.

It became quickly apparent that we were faced with two viable options with regard to this Board. The first option was to repeal or amend the Special Act creating the Board in such a way as to make the Board a county department. The other option would be to amend the Act to allow the Board to remain independent but with increased transparency, accountability and professionalism.

The obvious advantage in making the Board a dependent part of the county government would be that the transparency, accountability and professionalism would be overseen by the county administrator and ultimately the Pinellas County Board of County Commissioners. However, in our view, there are disadvantages to making the Board a dependent part of county government. The most significant disadvantage is that we believe, in time, the inevitable tension between city governments and county government could lead to fragmentation and confusion in construction licensing and building code enforcement in Pinellas County. We have also been advised that if the Board became a dependent part of county government, pre-existing

agreements entered into by the Board could be rendered void. An example of such an agreement is the Coastal Construction Line Agreement entered into between the Board and the Florida Department of Environmental Protection dated December 10, 2001. Some county officials have stated that they believe it is important that this Agreement remain intact.

While there are valid public policy reasons for each of the above options, it is our view that the public interest is best served by the Board retaining its independence but with significant changes in its structure and operation.

During our investigation, we became aware that Hector Collazo, the Pinellas County Inspector General, was conducting an exhaustive performance and financial audit of the Board and its operation. It is anticipated that the results of this audit will be released shortly after this Presentment. The Inspector General and his staff are to be congratulated for their comprehensive review. We have received testimony from Mr. Collazo and been made aware of the significant findings. We also would like to thank the Board's interim Executive Director, Gay Lancaster, for her efforts to reform the Board's operations as deficiencies were brought to light during the audit. We believe that the professional management that is currently being provided is an example of the leadership needed in the future and that the most important requirement for the position of Executive Director is that the Executive Director possesses organizational skills as exemplified by Ms. Lancaster.

The Inspector General's report identifies many instances of inappropriate conduct that have occurred in the past. The details of those instances are contained within his report. We have concluded that none of those instances rise to the level of actionable criminal offenses. However, it is clear that the prior executive leadership of the Board failed, at times, to follow the policies, procedures, rules and regulations as they apply to government employees. Examples of these are outlined in the Inspector General's report.

Should the Legislative Delegation choose to follow our recommendation to amend the Special Act rather than repeal and replace the board, we make the following recommendations for the future structure and operation of the Board:

- 1) The current Board consists of 21 members. The selection and appointment process appears cumbersome and inefficient. Therefore, it is our recommendation that the size of the Board be reduced to 15 members. It is further our recommendation that the current

three permanent members be retained. Those members are the Pinellas County Building Director, the City of St. Petersburg Building Director and the City of Clearwater Building Director. It is recommended that the remaining 12 members be appointed by the Pinellas County Board of County Commissioners as follows:

- a) A South County Building Director as described in the Act
- b) A North County Building Director as described in the Act
- c) A Gulf Beaches Building Director as described in the Act
- d) Two consumer representatives not affiliated with the construction industry
- e) Eight properly licensed members from the following categories:
 - 1) General Contractor
 - 2) Registered Architect
 - 3) Building Contractor
 - 4) Residential Building Contractor
 - 5) Electrical Contractor
 - 6) HVAC/Mechanical Contractor
 - 7) Plumbing Contractor
 - 8) Roofing Contractor
 - 9) Sheet Metal Contractor
 - 10) Swimming Pool Contractor
 - 11) Aluminum Contractor
 - 12) Fire Marshal

It is recommended that the members appointed by the County Commission be appointed for a four year term with a provision that a Board member cannot serve more than two consecutive terms but may be reappointed after a three year hiatus.

- 2) It has been brought to our attention that under the current law members of the Board are not required to file Financial Disclosures as provided in Chapter 112.3145, Florida Statutes. It is recommended that any amendment to the Act contain a requirement that Board members file what is commonly referred to as Form 1 on an annual basis.

- 3) It is readily apparent to us that providing the opportunity for a periodic audit, as necessary, by the Office of the Inspector General, would provide appropriate accountability and transparency in the Board's operation. Therefore, we recommend that the Act be amended to provide specifically that the Pinellas County Construction Licensing Board be subject to audit by the Division of the Inspector General contained within the Office of the Clerk of Circuit Court of Pinellas County, Florida.
- 4) In order to provide further oversight and public awareness, it is recommended that the Act be amended to require the Board to provide a written report on an annual basis of its activities and finances to the County Commission and to each city government.
- 5) The current Act in Section 21 requires that any funds received by the Board from fees which remain uncommitted and unexpended at the end of the biennium shall be paid into the Pinellas County General Revenue Fund. Since 1994, those fees paid to the County have totaled approximately \$487,000.00. We find no need to require the transfer of funds to the Pinellas County General Revenue Fund. These monies can be used by the Board for future financial needs and budget shortfalls. We therefore recommend that the provision be removed from the Act.

It is further recommended that the current Board and Staff and future Board members thoroughly review the recommendations contained within the Inspector General's report and take appropriate steps to insure that the Board is operated in a transparent and accountable manner.

In addition, it is recommended that the Board consider appointing advisory panels, as necessary, to receive input from representatives of construction specialties or sub-specialties who are not represented on the Board. These subject matter experts can help the Board with decisions that protect the citizens and the industry.

We are advised that the Board currently has an inter-local agreement with Pinellas County where the Board receives certain services from county government for which the Board reimburses Pinellas County. Among these services is legal representation by the County Attorney's Office. We believe that it is imperative that such legal representation should be

proactive with regard to making the Board aware of the requirements of Florida law as it pertains to the Government in the Sunshine Law, Public Records laws, and the Code of Ethics for Public Officials.

We have been made aware that because of the recent controversies surrounding the operation of the Board and questions raised regarding its future operation, there exists a current funding "crisis". Therefore, it is our recommendation that the Pinellas County Commission work with the Board and its current Executive Director to resolve the crisis. Among the possible resolutions would be the provision of a bridge loan and/or and abatement or deferral of the inter-governmental service fee required by the current inter-local agreement.

It is further recommended that the current fee structure be reviewed by the Board and consideration should be given in making sure the existing fee schedules are competitive with the fees charged by other licensing boards throughout the State of Florida. In addition, we have been advised that in the past there has not been an effective collection process to recover delinquent fines and fees. The Board is encouraged to establish such a process which can help provide financial stability in the future.

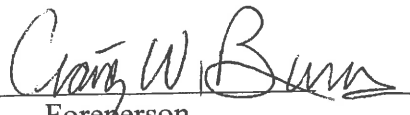
In conclusion, it is our belief that should the recommendations in this Presentment be adopted, the Pinellas County Construction Licensing Board can provide a valuable service to the citizens of Pinellas County, Florida in a manner that is transparent, accountable and professional.

We direct that the State Attorney provide a copy of this Presentment to each member of the Pinellas County Legislative Delegation as soon as possible.

Having finished our labors and investigations to this point at this time, we desire to be recessed until further Order of the Court.

Respectfully submitted,

THE GRAND JURY

By: 
Foreperson

ATTEST:


CLERK